

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUKE MICHAEL SERVAS,

Defendant.

CASE NO: 2:24-CR-0042-TOR

ORDER GRANTING MOTION TO  
CONTINUE PRETRIAL AND TRIAL  
DATES

BEFORE THE COURT is Defendant's Motion to Continue Pretrial and Jury Trial Date. ECF No. 23. The motion was noted for hearing without oral argument. Having reviewed the docket and the files therein, the Court is fully informed.

Defendant is scheduled to appear before the Court on May 15, 2024, for a pretrial conference and a jury trial is scheduled to begin on May 28, 2024. He now moves, through counsel and unopposed by the government, for a 90-day continuance of those dates as well as the pretrial filing deadline. In support of the request, counsel explains that additional time is needed to review the discovery, investigate the charges, and otherwise prepare for trial. The Court finds that the

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1 Defendant requires additional time to investigate and prepare for trial, taking into  
2 account the exercise of due diligence, and that his interests would not be  
3 adequately represented without a continuance. Accordingly, the motion is granted.

4 IT IS HEREBY ORDERED:

5 1. The Motion to Continue Pretrial and Trial Dates (ECF No. 23) is  
6 **GRANTED.**

7 2. The pretrial conference scheduled for May 15, 2024, is vacated and  
8 continued to **August 14, 2024, at 11:00 a.m.**, in Spokane Courtroom 902. All  
9 substantive pre-trial motions, including motions *in limine* and *Daubert* motions,  
10 shall be filed and served on or before **July 17, 2024**, and noted for hearing at the  
11 pretrial conference. Any response to a substantive pre-trial motion shall be filed  
12 and served in accordance with Local Rule 7. If the Court determines an  
13 evidentiary hearing is appropriate, the Court will notify the parties of the date and  
14 time for such hearing. Motions to continue the pretrial conference and/or trial shall  
15 be filed **no later than seven (7) days prior** to said proceeding and **must include**  
16 **the following:** (1) specific and detailed reasons for the continuance to permit the  
17 Court to make the necessary findings; (2) the Defendant's signed Speedy Trial  
18 waiver; (3) the position of all co-Defendants and opposing counsel; and (4) a  
19 proposed new trial date or specific length of time. The Court's Speedy Trial  
20 waiver form shall be used and can be found at:

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1 [http://www.waed.uscourts.gov/sites/default/files/forms/tor\\_speedy\\_trial\\_waiver\\_0.](http://www.waed.uscourts.gov/sites/default/files/forms/tor_speedy_trial_waiver_0.pdf)  
2 pdf

3 **Absent good cause shown, continuances are not freely granted.**

4 3. The jury trial currently scheduled for May 28, 2024, is vacated and  
5 continued to **August 26, 2024, at 8:30 a.m., in Spokane Courtroom 902.**  
6 Counsel shall appear in court at 8:30 a.m. on the first day of trial to address any  
7 pending pretrial issues. Jury selection will begin promptly at 9:00 a.m. Trial briefs,  
8 proposed voir dire, jury instructions, verdict forms, exhibit lists, and expert witness  
9 lists shall be filed and served by all parties on or before **seven (7) calendar days**  
10 prior to trial.

11 4. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time between **April 24,**  
12 **2024, until August 26, 2024,** is DECLARED EXCLUDABLE for purposes of  
13 computing time under the Speedy Trial Act. The Court finds that the ends of  
14 justice served by such a continuance outweigh the interests of the public and  
15 Defendant in a speedy trial.

16 5. Counsel for the defense shall notify the Defendant and ensure his  
17 attendance at every scheduled hearing and trial.

18 6. Defendant shall promptly file a properly executed Speedy Trial waiver.  
19 The Court's preferred form can be found on the district's public website.  
20

1 IT IS SO ORDERED. The District Court Executive is directed to enter this  
2 order and provide copies to counsel, the United States Probation Office, and the  
3 United States Marshal's Service.

4 DATED April 26, 2024.



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*Thomas O. Rice*  
THOMAS O. RICE  
United States District Judge